

REMARKS

Applicant respectfully requests the Examiner's consideration of the references filed in Information Disclosure Statements on January 23, 2004 and on April 21, 2005.

Applicant respectfully traverses the § 102(b) rejection of claims 1 and 3-6 over Auer, and the § 103(a) rejection of claims 1 and 3-8 over Ito.

In the present invention, a catalyst layer includes a plurality of Pt-Ru alloy particles. At least one of the particles has an oxygen content of between 3.87 wt. % and 4.4 wt. %. The oxygen is included in the particle, and is restricted because of the affinity of Pt-Ru alloy for oxygen.

Auer does not disclose at least an oxygen content in an entirety of at least one Pt-Ru alloy particle in a catalyst layer, having the claimed range, and hence Auer cannot anticipate the claims under § 102(b).

Ito discloses oxygen chemically bonded to a carbon carrier, not oxygen in a catalyst particle. Ito does not suggest an oxygen content in Pt-Ru alloy particle in a carrier of between 3.87 wt. % and 4.4 wt. %, and so Ito cannot render the claims obvious under 35 U.S.C. § 103(a).

In view of the above amendments and remarks, applicant respectfully requests reconsideration and allowance of all of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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